

# Exhibit 12

**Blue Spike – Monitoring and Analyzing Signals – U.S. Patent 8,214,175**

**Infringement Claim Chart**

<b>Claim</b>	<b>Audible Magic’s Media Identification Service</b>
<b>8.</b> A system, comprising:  non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;	<p>Audible Magic’s Custom Services (“AM’s CS”) such as design consultation, custom content databases, de-duplication, and litigation support employ Audible Magic’s automatic content recognition technology, a system that includes a database, having computer memory (“non-transitory memory”), for storing the fingerprints of digital content (“plurality of digital reference signal abstracts”), and therefore infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents.</p> <p>Audible Magic offers a wide variety of custom services designed to meet the needs of our diverse customer base.</p> <p><b>Design Consultation for Application Development</b></p> <p>If you need help designing an application or service that <b>leverages Audible Magic’s <u>automatic content recognition technology</u></b>, you’ll be happy to know we offer design consultation for application development and deployment.</p> <p><b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic’s Global Right’s Registry? <b>Audible Magic offers our customers the ability to fingerprint media and submit reference fingerprints to a custom content database hosted by Audible Magic.</b></p> <p><b>De-duplication of Media Catalogs</b></p> <p>Need to combine media catalogs but want to remove duplicate copies? <b>Audible Magic’s <u>automatic content recognition technology</u></b> can be used to do just that.</p> <p><b>Litigation Support</b></p> <p><b>Audible Magic’s <u>automatic content recognition technology</u></b> is used by content owners across entertainment industry as a trusted third-party service for <b><u>identifying copyrighted content</u></b>.</p> <p>See Exhibit 10, Audible Magic’s “Custom Services” webpage, <a href="https://www.audiblemagic.com/media-">https://www.audiblemagic.com/media-</a></p>

	<a href="#">synchronization/</a> , as visited on April 1, 2014 (emphasis added).
at least one processor;  wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and.	<p>AM's CS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology's algorithms, "at least one processor") programmed to generate a fingerprint ("digital reference signal abstract") from a piece of content ("digital reference signal"). The fingerprint ("digital reference signal abstract") is based on perceptual characteristics of ("similar to") the content ("digital reference signal"), and is a measurement (a version "reduced in size") of the digital reference signal.</p> <p><b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic's Global Right's Registry? <b>Audible Magic offers our customers the ability to <u>fingerprint media</u> and submit reference fingerprints to a custom content database hosted by Audible Magic.</b></p> <p>See Exhibit 10, Audible Magic's "Custom Services" webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "<u>digital fingerprint-based</u>" technology to accurately identify content using audio signals.</b> Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;	<p>The processor is programmed to store the fingerprint of the content ("digital reference signal abstract") in the database.</p> <p><b>Custom Content <u>Databases</u></b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic's Global Right's Registry? <b>Audible Magic offers our customers the ability to fingerprint media and submit reference fingerprints to a custom content <u>database</u> hosted by Audible Magic.</b></p> <p>See Exhibit 10, Audible Magic's "Custom Services" webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>,</p>

	as visited on April 1, 2014 (emphasis added).
wherein said digital reference signal is a digital representation of one of a plurality of different versions of a visual work and a multimedia work, and wherein said at least one processor is programmed or structured to generate said digital reference signal abstract from said digital reference signal so that said digital reference signal comprises signal characteristic parameters that differentiate between said plurality of different versions of said visual work and said multimedia work.	<p>Content (“digital reference signal”) may vary by file format, codec, bitrate, compression, or time-scaling (“one of a plurality of different versions of a multimedia work”) as well as other transformations (“versions”) to the content. AM’s CS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “at least one processor”) programmed to generate a fingerprint (“digital reference signal abstract”) from that content (“digital reference signal”). The fingerprint (“digital reference signal abstract”) can identify content even with transformations to the content (“differentiate between said plurality of different versions”).</p> <p><b>Quickly &amp; Accurately Identify Media</b></p> <p>Using Audible Magic’s Compliance Service, operators can <u>check uploaded media for copyrighted content</u> within seconds and achieve identification rates of 99 percent or higher for registered content with virtually zero false positives. <b>Because Audible Magic’s automatic content recognition technology is based upon perceptual characteristics, identification is effective even with different file formats, codecs, and compression techniques, as well as with time-scaling and other transformations to the content.</b></p> <p>See Exhibit 10, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p>See Exhibit 10, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic’s patented SmartID and CopySense automated content recognition (ACR) uses “digital fingerprint-based” technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to</b></p>

	<p><b><u>accurately identify content across file formats, codecs, bitrates, and compression techniques.</u></b>  This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes.  It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>11.</b> A system, comprising:   non transitory memory  comprising a database for storing  a plurality of digital reference  signal abstracts;</p>	<p>Audible Magic’s Custom Services (“AM’s CS”) such as design consultation, custom content databases, de-duplication, and litigation support Audible Magic’s automatic content recognition technology, a system that includes a database, having computer memory (“non-transitory memory”), for storing the fingerprints of digital content (“plurality of digital reference signal abstracts”), and therefore infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents.</p> <p>Audible Magic offers a wide variety of custom services designed to meet the needs of our diverse customer base.</p> <p><b>Design Consultation for Application Development</b></p> <p>If you need help designing an application or service that <b>leverages Audible Magic’s <u>automatic content recognition technology</u></b>, you’ll be happy to know we offer design consultation for application development and deployment.</p> <p><b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic’s Global Right’s Registry? <b>Audible Magic offers our customers the ability to fingerprint media and submit reference fingerprints to a custom content database hosted by Audible Magic.</b></p> <p><b>De-duplication of Media Catalogs</b></p> <p>Need to combine media catalogs but want to remove duplicate copies? <b>Audible Magic’s <u>automatic content recognition technology</u></b> can be used to do just that.</p> <p><b>Litigation Support</b></p> <p><b>Audible Magic’s <u>automatic content recognition technology</u></b> is used by content owners across entertainment industry as a trusted third-party service for <b><u>identifying copyrighted content</u></b>.</p>

	<p>See Exhibit 10, Audible Magic’s “Custom Services” webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</p>
<p>at least one processor;</p> <p>wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and</p>	<p>AM’s CS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “at least one processor”) programmed to generate a fingerprint (“digital reference signal abstract”) from a piece of content (“digital reference signal”). The fingerprint (“digital reference signal abstract”) is based on perceptual characteristics of (“similar to”) the content (“digital reference signal”), and is a measurement (a version “reduced in size”) of the digital reference signal.</p> <p>These <b>measurements</b> form the basis of a unique digital fingerprint and can be used to identify a piece of content <b>in the same way a fingerprint or DNA can identify an individual</b>.</p> <p>See Exhibit 6, Audible Magic’s “Copyright Solutions for Media Sharing Services” whitepaper, <a href="http://audiblemagic.com/wp-content/uploads/2014/02/AM_Copyright_Compliance_Data_Sheet.pdf">http://audiblemagic.com/wp-content/uploads/2014/02/AM_Copyright_Compliance_Data_Sheet.pdf</a>, as visited on April 7, 2014. <b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic’s Global Right’s Registry? <b>Audible Magic offers our customers the ability to <u>fingerprint</u> media and submit reference fingerprints to a custom content database hosted by Audible Magic.</b></p> <p>See Exhibit 10, Audible Magic’s “Custom Services” webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic’s patented SmartID and CopySense automated content recognition (ACR) uses “<u>digital fingerprint-based</u>” technology to accurately identify content using audio signals.</b></p>

	<p><b>Identification is based on the <u>perceptual characteristics</u> of the audio itself which allows it to <u>accurately identify content across file formats, codecs, bitrates, and compression techniques</u>.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p><i>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</i></p>
wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;	<p>The processor is programmed to store the fingerprint of the content ("digital reference signal abstract") in the database.</p> <p><b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic's Global Right's Registry? <b>Audible Magic offers our customers the ability to fingerprint media and submit reference fingerprints to a custom content <u>database</u> hosted by Audible Magic.</b></p> <p><i>See Exhibit 10, Audible Magic's "Custom Services" webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</i></p>
wherein said at least one processor is programmed or structured to compare a digital query signal abstract to said plurality of digital reference signal abstracts stored in said database to generate a compare result.	<p>The processor is programmed or structured to compare a fingerprint of unknown content ("a digital query signal abstract") to the fingerprints stored in the database ("plurality of digital reference signal abstracts stored in said database") to determine if there is a match ("generate a compare result").</p> <p><b>Litigation Support</b></p> <p><b>Audible Magic's <u>automatic content recognition technology</u></b> is used by content owners across entertainment industry as a trusted third-party service for <b><u>identifying copyrighted content</u></b>.</p> <p><i>See Exhibit 10, Audible Magic's "Custom Services" webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</i></p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately <u>identify content</u> using audio signals.</b> Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is</p>

	<p>also immune to many typical transformations.</p> <p><i>See</i> Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>12.</b> The system of claim 11, wherein said compare result indicates no match between said digital query signal abstract to said plurality of digital reference signal abstracts stored in said database.</p>	<p>As established above, AM’s CS infringes Claim 11. The processor is programmed or structured to compare a fingerprint of unknown content (“a digital query signal abstract”) to the fingerprints stored in the database (“plurality of digital reference signal abstracts stored in said database”) to determine if there is a match (“generate a compare result”). The compare result will indicate a match or absence of a match (“no match”). Therefore AM’s CS infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents.</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world</p> <p><i>See</i> Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p>
<p><b>13.</b> The system of claim 11, wherein said compare result indicates a match between said digital query signal abstract and a first digital reference signal abstracts of said plurality of digital reference signal abstracts stored in said database.</p>	<p>As established above, AM’s CS infringes Claim 11. AM’s CS determines whether a match exists between a fingerprint (“digital query signal abstract”) and a plurality of digital reference signal abstracts. AM’s CS advertises a database of over 12 million fingerprints that can return results in less than a second. This speed may be accounted for by a first digital reference signal abstract of the plurality of digital reference signal abstracts stored in the database. Therefore AM’s CS infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents. Further discovery, including a review of AM’s CS source code, is required.</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to <u>Audible Magic’s turnkey compliance and filtering solutions</u> for <u>highly accurate, automated</u></p>



	<p><u>copyright recognition (ACR)</u> to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b>This content is included in our <u>Global Rights Registry™</u> that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p><b>Transaction requests can achieve sub-second response time</b>, enabling massive scaling, even with reference <b>databases in excess of 1 million hours of content</b>.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>15.</b> The system of claim 11, wherein said memory further defines a first digital reference signal abstract match recorder recording a number of times said at least one processor determines a match between a digital query signal abstract and first digital reference signal abstract of said plurality of digital reference signal abstracts stored in said database.</p>	<p>As established above, AM’s CS infringes Claim 11. AM’s CS determines whether a match exists between a fingerprint (“digital query signal abstract”) and a plurality of digital reference signal abstracts. AM’s CS advertises a database of over 12 million fingerprints that can return results in less than a second. This speed may be accounted for by a first digital reference signal abstract of the plurality of digital reference signal abstracts stored in the database. Further, there is evidence indicating that matches are tallied (“match recorder recording a number of times said at least one processor determines a match”) (See, e.g., Exhibit 7). Therefore AM’s CS infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents. Further discovery, including a review of AM’s CS source code, is required.</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to <u>Audible Magic’s</u> turnkey compliance and filtering <u>solutions</u> for <u>highly accurate, automated copyright recognition (ACR)</u> to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our</p>

	<p>digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b>This content is included in our <u>Global Rights Registry™</u> that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p><b>Transaction requests can achieve sub-second response time</b>, enabling massive scaling, even with reference <b>databases in excess of 1 million hours of content</b>.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p>The combination of network <b>monitoring and tracking</b> along with the product’s ability to automatically address infractions is highly effective,” said Warner. “The very first week we installed the system, we had 24 sanctioned users – the following week we had only six.”</p> <p>See Exhibit 7, Audible Magic’s “Miles Community College” webpage case study, <a href="http://www.audiblemagic.com/csastudies/AudibleMagic-CaseStudy-MilesCC.pdf">http://www.audiblemagic.com/csastudies/AudibleMagic-CaseStudy-MilesCC.pdf</a>, as visited on April 7, 2014</p>
<p><b>16.</b> The system of claim 12, wherein said at least one processor is programmed or structured to use an algorithm to generate said digital reference signal abstract from said digital reference signal; and wherein said at least one processor is programmed or structured to use said algorithm to generate said</p>	<p>As established above, AM’s CS infringes Claim 12. A processor is programmed or structured to perform a sophisticated analysis and measurement (“use an algorithm”) to generate a reference fingerprint (“digital reference signal abstract”) from content (“digital reference signal”). A processor is programmed or structured to perform sophisticated analysis and measurement (“use an algorithm”) to generate a query fingerprint (“digital query signal abstract”). Therefore AM’s CS infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents.</p> <p>Audible Magic CopySense technology uses <b>sophisticated analysis to identify and match unknown content based on its perceptual characteristics</b>. These <b>measurements form the basis of a unique digital fingerprint</b> and can be used to identify a piece of content in the same way a fingerprint or DNA can identify an individual.</p>

digital query signal abstract from said digital query signal.	<i>See</i> Exhibit 6, Audible Magic’s “Copyright Solutions for Media Sharing Services” whitepaper, <a href="http://audiblemagic.com/wp-content/uploads/2014/02/AM_Copyright_Compliance_Data_Sheet.pdf">http://audiblemagic.com/wp-content/uploads/2014/02/AM_Copyright_Compliance_Data_Sheet.pdf</a> , as visited on April 7, 2014.
17. A system, comprising:  non transitory memory comprising a database for storing a plurality of digital reference signal abstracts;	<p>Audible Magic’s Custom Services (“AM’s CS”) such as design consultation, custom content databases, de-duplication, and litigation support Audible Magic’s automatic content recognition technology, a system that includes a database, having computer memory (“non-transitory memory”), for storing the fingerprints of digital content (“plurality of digital reference signal abstracts”), and therefore infringes U.S. Patent 8,214,175 either literally or by the doctrine of equivalents.</p> <p>Audible Magic offers a wide variety of custom services designed to meet the needs of our diverse customer base.</p> <p><b>Design Consultation for Application Development</b></p> <p>If you need help designing an application or service that <b>leverages Audible Magic’s <u>automatic content recognition technology</u></b>, you’ll be happy to know we offer design consultation for application development and deployment.</p> <p><b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic’s Global Right’s Registry? <b>Audible Magic offers our customers the ability to fingerprint media and submit reference fingerprints to a custom content database hosted by Audible Magic.</b></p> <p><b>De-duplication of Media Catalogs</b></p> <p>Need to combine media catalogs but want to remove duplicate copies? <b>Audible Magic’s <u>automatic content recognition technology</u></b> can be used to do just that.</p> <p><b>Litigation Support</b></p> <p><b>Audible Magic’s <u>automatic content recognition technology</u></b> is used by content owners across entertainment industry as a trusted third-party service for <b><u>identifying copyrighted content</u></b>.</p> <p><i>See</i> Exhibit 10, Audible Magic’s “Custom Services” webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</p>
at least one processor;	AM’s CS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the

<p>wherein said at least one processor is programmed or structured to generate a digital reference signal abstract from a digital reference signal such that said digital reference signal abstract is similar to said digital reference signal and reduced in size compared to said digital reference signal; and</p>	<p>technology's algorithms, "at least one processor") programmed to generate a fingerprint ("digital reference signal abstract") from a piece of content ("digital reference signal"). The fingerprint ("digital reference signal abstract") is based on perceptual characteristics of ("similar to") the content ("digital reference signal"), and is a measurement (a version "reduced in size") of the digital reference signal.</p> <p><b>Custom Content Databases</b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic's Global Right's Registry? <b>Audible Magic offers our customers the ability to <u>fingerprint media and submit reference fingerprints to a custom content database hosted by Audible Magic.</u></b></p> <p>See Exhibit 10, Audible Magic's "Custom Services" webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals.</b> Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>wherein said at least one processor is programmed to store said digital reference signal abstract in said database as one of said plurality of digital reference signal abstracts;</p>	<p>The processor is programmed to store the fingerprint of the content ("digital reference signal abstract") in the database.</p> <p><b>Custom Content <u>Databases</u></b></p> <p>Do you wish to identify custom content that is most likely not in Audible Magic's Global Right's Registry? <b>Audible Magic offers our customers the ability to fingerprint media and submit reference fingerprints to a custom content <u>database</u> hosted by Audible Magic.</b></p> <p>See Exhibit 10, Audible Magic's "Custom Services" webpage, <a href="https://www.audiblemagic.com/media-synchronization/">https://www.audiblemagic.com/media-synchronization/</a>, as visited on April 1, 2014 (emphasis added).</p>

wherein said wherein said at least one processor is programmed or structured to apply at least one of psycho-acoustic model and a psycho-visual model to generate said digital reference signal abstract from said digital reference signal.	<p>A processor is programmed or structured to apply a psycho-visual (“perceptual characteristics”) model to generate a fingerprint (“digital reference abstract”).</p> <p>Audible Magic CopySense technology uses <b>sophisticated analysis to identify and match unknown content based on its perceptual characteristics</b>. These <b>measurements form the basis of a unique digital fingerprint</b> and can be used to identify a piece of content in the same way a fingerprint or DNA can identify an individual.</p> <p><i>See</i> Exhibit 6, Audible Magic’s “Copyright Solutions for Media Sharing Services” whitepaper, <a href="http://audiblemagic.com/wp-content/uploads/2014/02/AM_Copyright_Compliance_Data_Sheet.pdf">http://audiblemagic.com/wp-content/uploads/2014/02/AM_Copyright_Compliance_Data_Sheet.pdf</a>, as visited on April 7, 2014.</p>
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